UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

THIRD COMMITTEE
59th meeting
held on
Tuesday, 10 December 1991
at 3 p.m.
New York

SUMMARY RECORD OF THE 59th MEETING

Chairman: Mr. AL-SHAALI (United Arab Emirates)

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91-57818 5532S (E)

Distr. GENERAL
A/C.3/46/SR.59
6 January 1992
ENGLISH
ORIGINAL: FRENCH

The meeting was called to order at 3.05 p.m.

AGENDA ITEM 94: SOCIAL DEVELOPMENT (continued)

(b) CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/46/363, A/46/524 and A/46/703; A/C.3/46/L.70 and L.67)

1. Mr. SHESTAKOV (Union of Soviet Socialist Republics) said that the fate of some countries and of the international community as a whole was connected with the urgent solution of many problems, including that of crime; that problem had grown so large in recent years that it was literally shaking countries and continents, sometimes causing irreparable harm to the dignity and welfare of hundreds of thousands if not millions of people, or even threatening their lives.

2. The countries of Eastern Europe were now the witnesses and actors in truly historic changes and events which were paving the way for democracy, international cooperation and the achievement of basic human rights and freedoms in the interests of economic and social development. It must be recognized, however, that democracy constituted a sort of medium for criminal elements, which took advantage of the fact that the machinery of criminal justice was weak and imperfect. Thus, in the Soviet Union, the more democracy advanced the more democratic institutions themselves and in the first instance human rights and freedoms were threatened. During the past year, almost all kinds of crime (the theft of public and private goods, burglary, assault, premeditated murder and drug-related crime) had increased. Organized crime had also increased its activities and was exploiting the transition to a market economy to put down strong roots in the area of legal activities, under cover of which it laundered large profits. It tended more and more to be associated with organized crime in other countries. There was therefore no doubt that the most strenuous individual efforts States could make in fighting crime would not succeed unless they were supported by international action.

3. Only the United Nations could effectively coordinate the activities of States in that field. It must work out a concerted and truly international strategy to give States practical help in fighting crime. He thanked the Intergovernmental Working Group for the proposals for cooperation it had worked out and submitted to the Ministerial Meeting on the Creation of an Effective Crime Prevention and Criminal Justice Programme recently held in Paris. Those proposals had been the basis for the documents that the Meeting had adopted and recommended to the General Assembly for adoption.

4. His delegation considered that the documents before the General Assembly at its current session augured well for the United Nations Crime Prevention and Criminal Justice Programme. The Programme of Action adopted by the Ministerial Meeting contained constructive proposals for a really effective programme made up of a series of measures to be adopted at the world, regional and national levels. In his delegation's view, that Programme of Action should be focused mainly on the implementation of specific activities by

(Mr. Shestakov, USSR)

States themselves and by international organizations. It should also facilitate the definition of priorities and means for achieving the desired goals and provide machinery for follow-up and the coordination of international cooperation.

5. The decisions taken in Paris were directed towards establishing the machinery which would make it possible to monitor the application of the Programme by States, particularly within the framework of a functional commission of the Economic and Social Council to be established for that purpose. That new commission should make the work of the United Nations in the field of crime prevention and criminal justice more professional and effective, increase the degree of cooperation between Member States, simplify the process of decision-making and, above all, accelerate the adoption by the international community of specific measures to strengthen law enforcement. It therefore seemed logical to dissolve the Committee on Crime Prevention and Control, while ensuring continuity between the work of the Committee and that of the new Commission, especially with regard to use of the Committee's experts. From the organizational point of view, the "transfer of power" between the Committee and the Commission and elections to the Commission could take place during the organizational session of the Economic and Social Council in February 1992. The session of the Committee scheduled for 1992 could thus be eliminated and the allocations provided in the 1992-1993 United Nations budget for the February meeting of the Committee could be transferred to the first session of the new Commission, which could be held in 1992.

6. One of the functions foreseen for the new commission would be to prepare the United Nations congresses on the prevention and crime and the treatment of offenders to be held every five years for a period of 5 to 10 working days. As the advisory body for the Programme, the congresses could play an important part in in-depth examination of the theoretical foundations for the strategy to be implemented by the international community in fighting crime. The Ministerial Meeting had also rightly recommended that interregional meetings need not be held to prepare the congresses.

7. It went without saying that objectives so sweeping could not be achieved without the establishment of adequate structures making it possible in fact to coordinate the activities of the bodies concerned and in particular to strengthen the competent subsidiary bodies of the United Nations, even if that entailed certain expenditures. His delegation considered it possible to accomplish that, in view of the urgency of the future programmes, by redirecting and economizing resources within the limits of the Organization's regular budget and by making use of voluntary contributions.

8. The idea expressed at the Paris Meeting that an international fund for crime prevention and assistance to victims of crime should be established was interesting and should logically be taken up by the commission. The idea had already been considered and supported by many States. For its part, the Soviet Union intended to establish a national fund for assistance to crime victims.

(Mr. Shestakov, USSR)

9. His delegation supported the decisions taken in the Paris Meeting and expressed the hope that when they were implemented they would make it possible to reduce the world crime rate considerably and to strengthen the cooperative links between States at the bilateral and multilateral levels.

10. Mr. ZAINAL ABIDIN (Malaysia) recalled that the Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders held in Cuba in September 1990 had given impetus to the discussion of those questions by highlighting the seriousness of the threat posed by criminal activities throughout the world. The Congress had outlined new directions for concrete action by the international community, which was increasingly aware of the need for concerted national and transnational action in crime prevention and criminal justice.

11. The Ministerial Meeting on the creation of an Effective Crime Prevention and Criminal Justice Programme held at Versailles and the Intergovernmental Working Group that had laid the groundwork for it had been vital follow-ups to the Eighth Congress. The Ministerial Meeting had recommended that the United Nations adopt a new framework for an effective United Nations crime prevention and criminal justice programme. Malaysia had participated in the Ministerial Meeting and had been part of the consensus endorsing the creation of the Programme and the recommendation therein for the establishment of a commission on crime prevention and criminal justice as a functional commission of the Economic and Social Council. That commission would make it possible to ensure the effectiveness of the work programme and supervise its implementation by States. It was his delegation's hope that the Commission could operate on the basis of the principle of equitable geographical distribution in conformity with its status as a functional commission of the Economic and Social Council.

12. It should be underscored that it had been agreed at the Versailles meeting that the principal purpose of the United Nations crime prevention and criminal justice programme should be to provide assistance to States. Malaysia would like emphasis to be placed on assisting developing countries in combating both national and transnational crime. Assistance to States in combating crime should be provided without the imposition of any form of conditionality. In that connection, Malaysia concurred with the view of the Secretary-General in his report (A/46/363) that much more attention should be paid to the operational aspects of the recommendations of the Eighth Congress in order to assist interested countries in promoting human resource development, reinforcing their national machinery and undertaking joint training activities.

13. With regard to the establishment of the commission on crime prevention and criminal justice, his delegation shared the view that the Committee on Crime Prevention and Control should be dissolved only after the commission had been set up, so as to avoid jeopardizing existing United Nations crime prevention activities, including the preparatory work for the forthcoming United Nations Congress on Crime in 1995. The congresses on crime should

(Mr. Zainal Abidin, Malaysia)

continue to be organized every five years, but should focus on specific topics of discussion, allowing for an exchange of information between States on their experience in research and law and policy development.

14. His delegation fully agreed that the crime prevention and criminal justice programme should include cooperation in the exchange of information among States on crime prevention and criminal justice and on technical assistance, as recommended in the report of the Ministerial Meeting (A/46/703) in the section dealing with the scope of that programme. Such an exchange of information would certainly give States a better understanding of the procedures and legal requirements of other countries, and that could in particular help expedite extraditions, requests for assistance in the transfer of proceedings, the seizure of the proceeds of crime and their return to the rightful owners in the requesting countries.

15. In conclusion, his delegation wished to echo the sentiments expressed by the Director-General of the United Nations Office at Vienna when she said that any reform intended to develop more effective cooperation would have little meaning unless significant additional resources were allocated to them.

16. Mr. DEKANY (Hungary) said that the current times were witness to an alarming internationalization of crime and a growing incidence of drug-related crimes, terrorist crimes, criminal acts against the environment and "white-collar" crime, making the need for even closer international cooperation felt more strongly. The universal recognition of the importance of human rights and the growing respect for United Nations standards in the administration of justice also gave the Organization a key role in the establishment of modern and effective judiciary systems. One should therefore welcome the outcome of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme: the statement of principles and programme of action set out in its report should make it possible to elaborate a flexible and effective programme with clear mandates and priorities.

17. Hungary attached great importance to the activities of the United Nations in the field of crime prevention and development of the administration of justice. The changes taking place in the world were creating a climate conducive to concerted action against crime, which threatened both the economic and the social development of all countries.

18. In Hungary, the establishment of political democracy in the administration of justice, based on full compliance with human rights standards, had not, unfortunately, gone hand-in-hand with the containment of criminal activities. Quite to the contrary, both the qualitative and the quantitative statistics revealed an even more dangerous crime trend. Aware that such problems could only be resolved through international cooperation, Hungary had, in so far as possible, played an active role in United Nations crime prevention activities, being represented in all relevant fora and

(Mr. Dekany, Hungary)

contributing both financially and through expert advice to the success of those activities.

19. At the Eighth United Nations Congress, Hungary had supported the idea, warranted by the circumstances at the time, of establishing a new crime prevention programme and creating new organizational structures for the purpose. With high-level representation at the Ministerial Meeting in Paris, Hungary had participated in the discussion of the report of the Intergovernmental Working Group on the results of previous negotiations. The needed structural changes should be carried out as soon as possible, while ensuring that they did not have an adverse effect on the crime prevention activities of the United Nations by creating confusion, for instance, or animosities. The speedy establishment of the commission on crime prevention and criminal justice still had the full backing of his delegation, since it should more effectively serve the interests of Member States in that field.

20. The commission should move with urgency to identify the priorities, schedule their implementation in the new programme, and mobilize financial resources, in particular by creating a United Nations crime prevention and criminal justice fund. While the membership of the commission was set at 32 members, Hungary wished to draw the Committee's attention to the changes taking place in Central and Eastern Europe, which would warrant eventual reconsideration of the number of seats allocated to that region.

21. Since the priority was the early establishment of the new commission so that it could begin work the following spring, his delegation could accept a certain delay in the upgrading of the Crime Prevention and Criminal Justice Branch to a Division, an issue that should be dealt with properly at the forty-seventh session of the General Assembly.

22. In conclusion, his delegation was convinced that the commission would fit well into the system of crime prevention congresses and other elements of the organizational structure, and recommended the continued participation of experts in the activities carried out in the field.

23. The CHAIRMAN said that the Committee had concluded its general debate on agenda item 94 (b).

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/46/L.61/Rev.1, L.69 and L.71)

Draft resolution A/C.3/46/L.61/Rev.1

24. The CHAIRMAN announced a suspension of the meeting to allow bilateral consultations to continue on draft resolution A/C.3/46/L.61/Rev.1.

25. The meeting was suspended at 3.35 p.m. and resumed at 4.15 p.m.

26. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/46/L.61/Rev.1 on enhancing the effectiveness of the principle of periodic and genuine elections, which had been introduced by the United States and orally revised at the Committee's 57th and 58th meetings. Chile, France, Grenada, the Netherlands, Paraguay, Portugal and Turkey had joined the sponsors of the revised draft resolution. Haiti, instead, had asked that its name be withdrawn from the list of sponsors. He also drew the Committee's attention to document A/C.3/46/L.69, containing a statement of the programme budget implications of the draft resolution.

27. Under rule 130 of the rules of the procedure, the Committee must first take action on the amendments proposed by Cuba and contained in document A/C.3/46/L.71.

28. Mr. MORA GODOY (Cuba) said that as several delegations had made suggestions regarding the amendments proposed by his delegation (A/C.3/46/L.71), it was willing to be flexible and to adopt some of them. It was prepared, therefore, to withdraw its first, fifth and sixth amendments. It would maintain its second and third amendments, but would agree to reword its fourth amendment as follows: "Noting that the establishment of a new United Nations structure to verify elections or provide electoral assistance has not been proposed,".

29. Mrs. WARZAZI (Morocco) was glad that the United States delegation had been so understanding of the amendments put forward by her own delegation, which clearly improved the text of the draft resolution. In a spirit of respect for all positions expressed, Morocco had offered its services to the United States and Cuban delegations in the hope that an agreement could be reached. It would have preferred to have a little more time to try to reach a consensus with the help of the Australian and Austrian delegations.

30. Her delegation also thanked the Cuban delegation for its efforts; it was clear, however, that the seventh amendment proposed by Cuba, and particularly the new text proposed for paragraph 10 of the draft resolution, was an insurmountable obstacle. Further negotiations could be useful with regard to the proposed text of paragraph 9 of the draft resolution, but there would need

(Mrs. Warzazi, Morocco)

to be a greater effort at understanding on either side. Things seemed to be at an impasse.

31. She drew the Secretariat's attention to the French and Spanish versions of document A/C.3/46/L.69, pointing out that the word "coordonateur", used in paragraphs 3, 4 and 8 of the document and in draft resolution A/C.3/46/L.61/Rev.1, was most unsatisfactory. It also appeared in paragraph 9 in the French text.

32. Mr. STUART (Australia) emphasized that the Australian and Austrian delegations had raised their numerous concerns regarding document A/C.3/46/L.71 with the Cuban delegation. They were pleased that Cuba had shown some flexibility by changing its amendments somewhat; unfortunately, however, those changes did not address the main point. In particular, Cuba had made it clear that its seventh amendment, which would delete seven paragraphs of the draft resolution, was not negotiable.

33. It was very regrettable that delegations had had so little time to study the Cuban amendments, which had not been submitted until 9 December, even though several meetings had been held specifically to allow delegations to exchange views on draft resolution A/C.3/46/L.61. The debate on the draft resolution had been postponed, on 29 November, so that such consultations might be held. The main reason for the Australian and Austrian delegations' insistence on changes to the Cuban amendments was that their adoption by the Committee would undermine draft resolution A/C.3/46/L.61/Rev.1, which his delegation was ready to support.

34. Mr. MORA GODOY (Cuba) reminded the Committee that the amendments proposed by his delegation had been issued the same morning as the draft resolution.

35. With respect to the last paragraph of its amendments, the Cuban delegation had found that its concerns were not widely shared.

36. Mr. FEYDER (Luxembourg) said that the Committee had just been informed that the conciliation efforts by the Cuban, Australian and Austrian delegations had failed. The Australian delegation had brought out quite clearly the negative impact which the Cuban amendments would have if integrated into draft resolution A/C.3/46/L.61/Rev.1.

37. The Committee had before it new and substantive proposed amendments that had been put forward that very morning by the Cuban delegation. The Committee had already been considering the matter for some time. Following the previous month's deliberations, it had been decided that no action would be taken for about 10 days so that delegations would have time for reflection.

38. That respite had been intended to allow for further consultations. The consultations had been announced in the Journal and had been open to all interested delegations. The result of those lengthy discussions had been

(Mr. Feyder, Luxembourg)

announced in a revised text and in the oral amendments submitted during the past two days.

39. For all of those reasons, on behalf of the sponsors of the draft, his delegation proposed, under Rule 116 of the Rules of Procedure, that the Committee should not take any decision on the last-minute amendments proposed by the Cuban delegation. To avoid any misunderstanding, his delegation further stated that, once the Chairman had ruled on the proposed procedure, the sponsors would like the Committee to take a decision on draft resolution A/C.3/46/L.61/Rev.1 as orally revised.

40. The CHAIRMAN read out Rule 116 of the Rules of Procedure of the General Assembly.

41. Mr. MORA GODOY (Cuba) said that the request for adjournment of the debate on the amendments presented by Cuba was, in fact, an attempt to gag one participant in the debate. To be fair, the Committee should postpone debate on the whole question. Moreover, the motion was being moved by the very countries that had always defended every delegation's right to stand up for its point of view, a principle that was still upheld in the debates of the General Assembly. His delegation was surprised at the motion, as the proposed amendments were intended to guarantee respect for the principles of sovereignty and non-interference enshrined in the Charter of the United Nations; Cuba, therefore, opposed the motion.

42. Mr. ALFARO-PINEDA (El Salvador) supported the motion for adjournment, saying that draft resolution A/C.3/46/L.61/Rev.1 reflected the willingness on the part of numerous countries to enhance the effectiveness of the principle of periodic and genuine elections. In El Salvador itself, the democratic process was based on elections whose validity had been attested to by international observers. By adopting the draft resolution, the Third Committee would be giving many other States the same opportunity.

43. It should become a universal principle that every individual had the right to elect those by whom they would be governed; no Government could claim to represent the people unless it reflected the freely expressed will of the people. Coming back to the terms employed by the Cuban representative, he said that not allowing the people to express their will was also a means of gagging the people.

44. Mr. MORA GODOY (Cuba) took exception to those remarks, which he deemed insulting to his country; he reminded the Committee that the point at issue for the moment was the Rules of Procedure.

45. Mrs. WARZAZI (Morocco) said that, in the circumstances, Rule 121 of the Rules of Procedure should be applied, for Rule 116 would have the effect of adjourning the debate on the whole question.

46. The CHAIRMAN said that, in practice, Rule 116 had often been applied as interpreted by Luxembourg.

47. Mr. OLIYNYK (Ukraine) seconded the motion for adjournment put forward by Luxembourg, pointing out that delegations had had two months in which to submit their proposals and to discuss them; the sponsors of draft resolution A/C.3/46/L.61/Rev.1 had done everything within their power to encourage discussion. In supporting the motion, his delegation was not by any means seeking to spoil the democratic climate prevailing in the Third Committee; it only wished the Committee to abide by the Rules of Procedure of the General Assembly.

48. At the request of Luxembourg, a recorded vote was taken on the motion for adjournment.

In favour: Albania, Argentina, Australia, Austria, Belgium, Benin, Bulgaria, Canada, Central African Republic, Chile, Costa Rica, Czechoslovakia, Denmark, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Germany, Greece, Grenada, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Netherlands, New Zealand, Niger, Norway, Panama, Papua New Guinea, Paraguay, Poland, Portugal, Republic of Korea, Romania, Singapore, Spain, Suriname, Swaziland, Sweden, Togo, Turkey, Ukraine, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Algeria, Angola, Burkina Faso, China, Cuba, Democratic People's Republic of Korea, Ghana, Iraq, Jordan, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mauritania, Namibia, Sudan, Syrian Arab Republic, Uganda, United Republic of Tanzania, Viet Nam, Yemen, Zimbabwe.

Abstaining: Antigua and Barbuda, Bangladesh, Barbados, Belize, Bolivia, Brazil, Colombia, Cyprus, Dominica, Dominican Republic, Ecuador, Guyana, India, Indonesia, Lesotho, Liberia, Malaysia, Mali, Mexico, Nepal, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Saint Kitts and Nevis, Sri Lanka, Thailand, Trinidad and Tobago, Uruguay, Vanuatu, Venezuela, Yugoslavia.

49. The motion for adjournment was adopted by 61 votes to 22, with 33 abstentions.

50. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/46/L.61/Rev.1, as orally revised by the United States.

Explanations of vote before the vote on draft resolution A/C.3/46/L.61/Rev.1

51. Miss BOTERO (Colombia) announced that her delegation would not vote in favour of the draft resolution and would explain its vote in plenary meeting.

52. Miss SAINT-MALO (Panama) said that her delegation preferred the original text; as revised, the text restricted the United Nations capacity to intervene to enhance the effectiveness of the principle of periodic and genuine elections. She pointed out that there was no possible comparison between the scope of the preambular paragraphs of a resolution and that of the operative paragraphs. However, in a spirit of conciliation and in view of the importance of the matter, her delegation would remain a co-sponsor of the draft resolution and would support its adoption.

53. Mr. VILLEGAS (Mexico) reaffirmed his country's unconditional support for efforts to strengthen democracy in the world and to translate the principle of peridoic and genuine elections into reality, but recalled that his Government had always taken the view that development was a sine qua non for strengthening democracy and protecting human rights.

54. Without wishing to minimize the value of the electoral assistance given by the United Nations in Namibia, Angola, Nicaragua and, more recently, Haiti, his delegation reiterated its belief that elections were the most complete expression of national sovereignty and that responsibility for organizing and supervising elections therefore lay with States themselves. Consequently, intervention by the United Nations or by regional bodies must remain an exception to the rule, justifiable only under exceptional circumstances and at the express request of the Governments concerned. His delegation's position on that question had never varied.

55. He welcomed the constructive spirit and conciliatory approach shown during the consultations and noted with satisfaction that a number of points of view expressed by his delegation had been taken into account and included in the draft resolution. However, as the position of principle taken by his delegation did not coincide with the aims implicit in the draft resolution and the precedents to which it might give rise, his delegation would abstain during the vote. Nevertheless, he wished to reiterate his support for the action taken by the United Nations to strengthen international cooperation and ensure that human rights and fundamental freedoms did not remain empty words. He was also willing to collaborate with other delegations in seeking to define more clearly the role of the United Nations in the field of electoral assistance and in establishing the machinery necessary for its actions.

56. Mr. MORA GODOY (Cuba) said that his delegation would vote against the draft resolution and would explain its vote in plenary meeting.

57. Mr. SAHRAOUI (Algeria) said that his delegation would vote in favour of the draft resolution as an expression of its support for a principle it considered to be fundamental to the running of any democratic society, namely the primacy of the ballot box. Having said that, some of the resolution's provisions would have benefited from more mature reflection. A less hasty approach would have made it possible to avoid the confusion surrounding paragraph 9 concerning the designation of a senior offical to help the Secretary-General with electoral verification and assistance, as well as the contradiction that existed between paragraph 80 of the report of the Secretary-General (A/46/609), paragraph 17 of the draft resolution and the spirit of the resolution itself. It was clear from the two paragraphs in question that not all States had made known their views on the question of electoral assistance. Consequently, the resolution could only reflect the points of view of a limited number of States.

58. Everyone was aware that the Permanent Representatives were engaged in intense consultations concerning the restructuring of the Secretariat. It would therefore have made more sense to include any proposal to create new structures in that restructuring process. He wondered whether it was appropriate to devote a paragraph to the establishment of a structure responsible for electoral verification when it was specified in the eleventh preambular paragraph that the services of the United Nations should be resorted to only under exceptional circumstances and on a voluntary basis. His delegation therefore reserved its position on the matter.

59. Mr. STUART (Australia) announced that his delegation wished to join the sponsors of the draft resolution.

60. Mr. SERGIWA (Libyan Arab Jamahiriya) said that his delegation supported the principle of electoral assistance by the United Nations, but only if such assistance was provided at the express request of the countries concerned. In that connection, he pointed to the effective role played by the United Nations in Namibia, Nicaragua and Haiti. However, his delegation had reservations concerning paragraph 9 of the draft resolution on the designation of a senior official to coordinate electoral assistance, and felt that there was no need to create a new structure for electoral supervision. His delegation would therefore abstain during the vote.

61. Mrs. KABA CAMARA (Côte d'Ivoire) thanked the sponsors of the draft resolution, particularly the delegation of the United States, for their efforts to achieve a text acceptable to all. However, her delegation had a number of reservations in connection with paragraphs 9, 10 and 11 concerning the establishment of a structure for the organization of elections supervised by the United Nations, since the provisions of those paragraphs ran counter to the provisions of the eleventh preambular paragraph, which affirmed that electoral verification by the United Nations should remain an exceptional activity. Nevertheless, her delegation supported the democratic process and the free expression of the will of the people, and so would vote in favour of the draft resolution.

62. Mr. ZAINAL ABIDIN (Malaysia) said that his delegation would abstain during the vote on the draft resolution, despite the fact that in 1990 it had voted in favour of General Assembly resolution 45/150 on enhancing the effectiveness of the principle of periodic and genuine elections. The international community should first give serious consideration to the various ways in which the United Nations could respond to requests from Member States wishing to develop and strengthen their electoral procedures and institutions. He recognized that the draft resolution in question was a step in the right direction.

63. The new structure proposed in the report of the Secretary-General (A/46/609) should be examined in detail by Member States since it must be properly thought out and clearly defined in order to serve its purpose. It was too important a question for Member States to take a hasty decision, particularly as the Secretary-General had noted in his report that most of the States that had replied to him were not in favour of the proposed structure. Many aspects of the structure, such as the criteria, mandate and even the funding mechanism, had not been adequately addressed and discussed.

64. His delegation firmly believed that the United Nations had an important role to play as the vanguard of democracy and justice and the guardian of peace. His delegation reaffirmed its support for the work of the Organization and looked forward to helping enhance its capacity to respond to requests for electoral assistance and verification from Member States.

65. Mr. HUSSAIN (Pakistan) said that his delegation would vote in favour of the draft resolution in order to demonstrate its attachment to democracy and democratic institutions. However, that vote was without prejudice to his delegation's position that the question of elections was essentially a matter falling within the internal and sovereign jurisidiction of Member States. He wished to reiterate that electoral assistance by the United Nations must be in response to an explicit request by the Member State concerned and must be provided in close consultation with that State. He also stressed the importance of Article 2, paragraph 7, of the Charter.

66. The principle of periodic and genuine elections, however important, could not be a substitute for the exercise of the right to self-determination by peoples under colonial or alien domination or foreign occupation. The right to self-determination was enshrined in numerous international instruments, including the United Nations Charter, and had been confirmed in numerous resolutions of the Security Council and the General Assembly.

67. Mrs. SYAHRUDDIN (Indonesia) said that although her delegation had supported General Assembly resolutions 44/146 and 45/150, it would abstain from voting on draft resolution A/C.3/46/L.61/Rev.1 and would explain its position in plenary meeting.

68. At the request of the representative of Cuba, a recorded vote was taken on draft resolution A/C.3/46/L.61/Rev.1.

In favour: Albania, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, Dominica, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Germany, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mongolia, Morocco, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Saint Kitts and Nevis, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: Cuba, Democratic People's Republic of Korea, Kenya.

Abstaining: Angola, China, Colombia, Ghana, Indonesia, Iraq, Lao People's Democratic Republic, Malaysia, Mexico, Philippines, Sudan, Uganda, Vanuatu, Viet Nam, Zimbabwe.

69. Draft resolution A/C.3/46/L.61/Rev.1, as orally revised by the representative of the United States, was adopted by 115 votes to 3, with 15 abstentions.

Explanations of vote after the vote on draft resolution A/C.3/46/L.61/Rev.1

70. Mr. JIN Yongjian (China) said that his delegation had abstained from voting on the draft resolution. First, China had always believed that elections ranked among a State's internal affairs and that they should be organized in accordance with each State's constitution and legislation. Over time, countries had developed various electoral systems that were adapted to their particular situations; many of those systems had been described in the replies of States to the Secretary-General's questionnaire pursuant to General Assembly resolution 45/150. There was therefore no need for the United Nations to intervene or assist in the normal course of elections. Second, under the Charter, the United Nations had neither the obligation nor the right to intervene in elections organized by Member States. It could play such a role only under special circumstances, relating, for example, to the decolonization process or the need to find a practical solution to a conflict which threatened regional peace and security. The Organization could, in such cases, send a mission to a country upon the latter's invitation. Experience

(Mr. Jin Yongjian, China)

had shown that all the countries which had received United Nations assistance in that area had been exceptional cases. It was unacceptable for the United Nations to be authorized by a General Assembly resolution to interfere in a country's electoral affairs. Third, although he understood the exigencies which prompted certain countries to ask for United Nations assistance in internal elections, the United Nations must, in providing such assistance, scrupulously observe the provisions of Article 2, paragraph 7 of the Charter.

71. Mr. SEZAKI (Japan) said that although his delegation had voted for the draft resolution, it wished to explain its vote. Japan greatly appreciated the initiative of the United States delegation in promoting the principle of periodic and genuine elections, as well as its efforts to reconcile the various views expressed on the draft text. It was, however, unfortunate that, due in part to the delayed submission of the Secretary-General's report (A/46/609), there had not been enough time in the drafting process for a proper discussion to determine the best possible formula.

72. His delegation doubted that a senior official who did not work full time and who was assisted by only a small staff could play an effective coordinating role. Since designation of the official would neither pre-empt nor supersede ongoing arrangements regarding electoral assistance, it was not clear what his functions would be. Despite the explanation given by the sponsors, the senior official's mandate remained ambiguous, as did the manner in which his activities would be coordinated and harmonized with other arrangements, particularly those approved by the Security Council and the General Assembly.

73. Furthermore, his delegation was unable to support the establishment of a voluntary trust fund, since the normal procedure would have been to begin by agreeing on terms of reference and guidelines for disbursements. He drew attention, in that connection, to paragraph 82 of the Secretary-General's report (A/46/609).

74. Mr. SIDDIG (Sudan) said that his delegation's abstention from the vote on the draft resolution should not be interpreted as opposition to the principle of periodic and genuine elections, since the Sudan felt, on the contrary, that the will of the people was the deciding factor in determining a country's Government. However, the draft resolution opened the door to a type of intervention in the internal affairs of Member States and ran counter to Article 2, paragraph 7 of the Charter. The Sudan, which observed the provisions of the Charter, did not wish the resolution to be used as a pretext for intervening in the internal affairs of States and encroaching on their sovereignty.

75. Mr. SHUTTE (Germany) said that his delegation supported the general thrust of the draft resolution, and had associated itself with the countries which had voted in favour of it. As had been clearly expressed on 13 July 1991 in the joint reply by the States members of the European

(Mr. Shutte, Germany)

Community to the Secretary-General, the German Government attached great importance to the principle of free and periodic elections as the expression of the right of peoples to self-determination. Germany believed that the international community had the right and the moral obligation to intervene for the protection and promotion of all human rights, and that in that context the right to vote and to be elected was of prime importance. Therefore, electoral assistance and the promotion of periodic and genuine elections deserved special attention.

76. However, his delegation had reservations concerning paragraphs 9 and 14 of the draft resolution. In its view, the designation of a senior official and the establishment of a voluntary trust fund should have been thoroughly discussed. His delegation was not convinced of the need to create new organizational and financial structures to achieve the goals set forth in the draft resolution, and felt, in particular, that the advisory services administered by the Centre for Human Rights in the field of electoral assistance could be expanded. Moreover, the creation of a new trust fund could eventually lead to additional costs and personnel requirements that would have to be funded from the Organization's budget.

77. Mr. DUCHS (Sweden) said that his delegation had voted for the draft resolution because Sweden attached great importance to the principle of periodic and genuine elections. Sweden would have liked to sponsor the draft, but had been unable to do so because of its reservations regarding the text, particularly paragraph 14 on the establishment of a voluntary trust fund. Sweden believed that, in principle, United Nations activities supported by its Member States should be funded from the regular budget, although that was not always possible, owing to the Organization's current financial crisis. Further consideration should have been given to ways of resolving the financial aspect of the question.

78. Mrs. LIMJUCO (Philippines) said that her delegation had abstained from voting even though it had always supported the principle of periodic and genuine elections, and had even sponsored a number of resolutions on that subject.

79. First, her delegation had reservations concerning paragraph 9, which, in its view, would add a new layer of bureaucracy at a time when the crisis called for a streamlining of operations.

80. Second, it would have been preferable to define the criteria for providing electoral assistance to Member States before setting up a permanent structure to administer such assistance.

81. Mr. KHALIL (Egypt) said that his delegation had voted in favour of the draft resolution in order to support the role that the United Nations could play in developing and strengthening the democratic institutions of Member States that requested it to do so. However, the draft resolution should be

(Mr. Khalil, Egypt)

implemented in strict compliance with the principles laid down in the Charter. Electoral assistance must be an exceptional activity of the United Nations, and must not serve either as a pretext for interference in the internal affairs of Member States or as a justification for a selective or preferential approach.

82. Mr. AL-ABDALAH (Qatar) said that, if his delegation had been present during the vote, it would have voted in favour of draft resolution A/C.3/46/L.61/Rev.1.

83. The CHAIRMAN suggested that the Committee should adopt the following draft decision, entitled "Reports considered under the item entitled 'Human rights questions'", which concerned reports before the Committee on which no draft proposal had been submitted:

"The General Assembly takes note of the following reports:

(a) Report of the Committee against Torture (A/46/46);

(b) Report of the Secretary-General on torture and inhuman treatment of children in detention in South Africa (A/46/473);

(c) Report of the Secretary-General on enhancing the effectiveness of the principle of periodic and genuine elections (A/46/616 and Corr.1);

(d) Note by the Secretary-General transmitting the preliminary report on the situation of human rights in South Africa prepared by the Ad Hoc Working Group of Experts on Southern Africa (A/46/401);

(e) Note by the Secretary-General on the situation of human rights in southern Lebanon (A/46/446)."

84. It was so decided.

85. The CHAIRMAN announced that the Committee had thus completed consideration of agenda item 98 on human rights questions.

AGENDA ITEM 94: SOCIAL DEVELOPMENT

(b) CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/46/363, 524 and 703; A/C.3/46/L.67, L.70, L.72 and L.73)

Introduction of draft proposals

Draft resolution A/C.3/46/L.67

86. Mr. KOTEY (Ghana) introduced draft resolution A/C.3/46/L.67, entitled "United Nations African Institute for the Prevention of Crime and the

(Mr. Kotey, Ghana)

Treatment of Offenders", on behalf of the Group of African States. He said that paragraph 3 should be revised so that it read: "Requests the Secretary-General to report on the implementation of the present resolution at its forty-seventh session".

87. From the beginning, United Nations criminal justice policy had been formulated with a worldwide perspective. With that as the background, the United Nations had recognized the need for regional centres to serve groups of countries with common problems and traditions. One such sector was the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, based in Kampala, Uganda.

88. Having read out the draft resolution, he said that United Nations statistics had shown a worldwide increase in criminal activities. The Group of African States hoped that the United Nations would act as a catalyst in enhancing the capacity of Africa in areas such as crime prevention through the provision of additional resources. They hoped that the draft would be adopted without a vote.

Draft decision A/C.3/46/L.72

89. Mr. KOTEY (Ghana) introduced draft decision A/C.3/46/L.72, entitled "Establishment of a Commission on Crime Prevention and Criminal Justice", on behalf of the Group of 77. He said that the Group of 77 had examined the proposal contained in section E of the annex to the draft resolution recommended for adoption by the General Assembly by the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme (A/46/703, annex), and welcomed the idea of setting up a commission consisting of 32 Member States on the basis of the principle of equitable geographical distribution. What the Group of 77 regretted was that the distribution of seats set out in the explanatory note was not in accordance with that principle, which had been recognized both in the United Nations Charter and in the practice of other international organizations. Accordingly, draft decision A/C.3/46/L.72 reaffirmed the principle of equitable geographical distribution and indicated that the action of the Economic and Social Council at its organizational session of 1992 relating to the issue in question should be guided only by the proposed decision.

Proposed amendments (A/C.3/46/L.73)

90. Mr. KOTEY (Ghana) introduced, on behalf of the Group of 77, the proposed amendments to the draft resolution entitled "Creation of an effective United Nations crime prevention and criminal justice programme" contained in chapter II, section A, of the report of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme (A/46/703, annex). He revised amendment 2, in which the words "replace the word 'decides' with the word 'recommends'" should be replaced by the words "insert the phrase 'to recommend' after the word 'decides'".

(Mr. Kotey, Ghana)

91. After examination of the proposals contained in the annex to document A/46/703, the Group of 77 believed that certain concepts being introduced should be brought in tune with the existing financial regulations and rules of the United Nations. Amendment 1 would ensure that, in the provision of resources for the effective functioning of the United Nations crime prevention and criminal justice programme, funds would not be recommitted from other programmes outside the crime prevention and criminal justice sector.

92. With regard to paragraph 10 of the draft resolution, he said that under Article 68 of the United Nations Charter it was only the Economic and Social Council that could set up commissions in the economic and social fields and for the promotion of human rights. The purpose of amendment 2 was to ensure that the Economic and Social Council performed its duties under the Charter. It was to be hoped that the Committee would accept the amendments before it.

The meeting rose at 5.50 p.m.